

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                                   |   |                        |
|-----------------------------------|---|------------------------|
| LEONEL MEJIA,                     | : |                        |
| Plaintiff,                        | : | 1:13-cv-2237           |
|                                   | : |                        |
| v.                                | : | Hon. John E. Jones III |
|                                   | : |                        |
| WARDEN D. EBBERT, <i>et al.</i> , | : |                        |
| Defendant.                        | : |                        |

**ORDER**

**August 27, 2015**

**NOW, THEREFORE**, upon consideration of Defendants' motion (Doc. 58) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and for summary judgment pursuant to Federal Rule of Civil Procedure 56, and in accordance with the court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. Defendants' motion (Doc. 58) is **GRANTED**.
2. The motion to dismiss is **GRANTED** to the extent that Plaintiff's *Bivens* claim is **DISMISSED** in its entirety as to all named Defendants.
3. The motion for summary judgment is **GRANTED** with respect to Plaintiff's FTCA claim, 28 U.S.C. §§ 1346(b), 2671 *et seq.*
4. The Clerk of Court is directed to **ENTER** judgment in favor of the United States and against Plaintiff on the FTCA claim.
5. The Clerk of Court is further directed to **CLOSE** this case.
6. Any appeal from this order is deemed frivolous and not in good faith. *See* 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III

John E. Jones III

United States District Judge